
FAX

TO: Kim Collins
FAX NUMBER: 202-219-3923
FROM: Kyle Foust and the Foust for Congress Committee
RE: FEC complaint, MUR 5925
NO. OF PAGES: 2 (including cover sheet)
DATE: July 24, 2007

Ms. Collins:

Per your phone conversation with the Treasurer of the Foust for Congress Committee, Randy Rinke, please see the attached response to MUR 5925. The complaint was originally filed against the Kyle Foust Congressional Exploratory Committee. Since the time of the complaint, I have formally filed paperwork to be a candidate for Congress and thus changed the name of my committee to Foust for Congress. If I need to provide additional information to you, please contact me at 814-899-4519 or via email at kylefoust@adelpa.net. Thank you.

From the desk of ...

Kyle Foust
Candidate for US Congress, Pennsylvania-3rd District
Address of Foust for Congress Committee
5517 Zemville Drive
Erie, PA 16509

28044190803

Kyle Foust Congressional Exploratory Committee's response to complaints filed by Bradley Moore, Erie County Republican Chairman, with the FEC. Charges were forwarded to the Kyle Foust Congressional Committee from the FEC and referenced in MUR 5925.

Response to charge #1—Use of Council Reelection website to promote federal campaign.

Page 33 of the Campaign Guide for Congressional Candidates and Committees under the subheading **Web Sites Established by Volunteers** states "If a volunteer for the committee prepares a web site supporting the committee, using his or her personal property at home, that activity will not be considered a contribution." The same volunteer created a website for Kyle Foust federal and nonfederal campaigns. There can be no transferring of funds from a campaign committee for a nonfederal election to a campaign for a federal election as alleged in MUR 5925 because under FEC regulations neither website is considered a contribution.

In addition, no where on the nonfederal website is there any mention or reference to the Congressional Exploratory Committee or the federal election.

Response to charge#2—Failure to follow FEC and IRS disclaimer requirements

- a. Disclaimer must be within a printed box
The fundraising letter in question does not follow the letter of the law, however it does follow the intent of the law. The disclaimer is clearly and conspicuously displayed on the letter and reply card. In addition, the letter was reviewed by the DCCC prior to being mailed and they did not catch the oversight. I mention this only to show our intent to comply with all FEC regulations and not to shift blame. Every effort will be made by our committee to fully comply with FEC regulations for all future mailings.
- b. Failure to comply with IRS notice requirements
According to FEC requirements, this part of the law only applies to those committees whose gross annual receipts normally exceed \$100,000. The Kyle Foust Congressional Exploratory Committee, at the time of the mailing, we did not expect to exceed the \$100,000 threshold by the end of the year. The IRS disclaimer will be used in all future fundraising solicitations to avoid uninformed and under researched complaints.

Conclusion

Charge 1 and charge 2b are without merit. Charge 2a was a minor and unintentional oversight and did not violate the intent of the regulation. When they were brought to our attention, we rectified the situation for future mailings immediately. I respectfully request that no action should be taken against our committee with respect to MUR 5925.

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